

The Storied Third Branch

A Rich Tradition of Honorable Service Seen Through the Eyes of Judges

FEBRUARY 2013

CENTER FOR JUDICIAL STUDIES
DUKE LAW

U.S. Court of Appeals for the Third Circuit
Circuit Judge Edward R. Becker
“Remembering the Private Life of Judge Edward R. Becker”

By Michael M. Baylson
U.S. District Judge, Eastern District of Pennsylvania

Edward R. Becker was a most distinguished federal jurist and winner of the Devitt Award. This short essay is about Ed Becker as a person, incidental to his many accomplishments as a judge.

I had the privilege of knowing Ed Becker from the time he was a practicing lawyer. Ed lived his entire married life of almost 49 years with his wife, Flora, in the same house in Philadelphia in which he grew up as a child. Ed was fond of saying that he was from the “Greater Northeast,” a wide swath of Philadelphia with a collection of modest row and semi-detached homes. Ed went to public schools, and then graduated from University of Pennsylvania and then Yale Law School. However, he did not follow the pathway of most Yale Law School graduates to large law firms or government service, but went to work with his father who had a small firm with a very general practice.

I first got to know Ed well when he was defending criminal cases and I was an Assistant DA. Ed was always congenial and friendly. My boss, Arlen Specter, who had just become District Attorney, and Ed were very good friends – these professional relations eventually ripened into strong social friendships for many years.

Ed worked hard as an attorney for the local Republican Party. He was vociferous and tenacious, filing frequent law suits alleging insufficient signatures on nominating petitions, improper ballot positions, and seeking recounts. Ed also

represented the Republican-controlled Philadelphia Board of Magistrates, a scandaled-tarred, non-lawyer judiciary, soon to disappear.

After the election of President Nixon in 1970, Ed was appointed to a District Court seat at the young age of 37.

As famous as Ed Becker was in legal circles, his personal life was little known. Few knew that Ed and Flora had accumulated a huge collection of political paraphernalia, which they had on display in large glass cases at their home. Hundreds of campaign buttons, brochures, and pamphlets dating back to the 19th Century, represented just about every Presidential campaign after the Civil War and every Pennsylvania election. Ed related how they had frequented flea markets and Sunday political memorabilia sales over many years. Some time later, Ed moved the collection down to his judicial chambers in the Federal Courthouse, but despite the accolades and publicity which Ed received for his legal accomplishments, I don't ever recall reading anything about the political campaign collection.

Ed's and Flora's evenings, weekdays and weekends were frequently spent attending concerts. After a long day in the Courthouse, his favorite relaxation was one of the many Chamber music events taking place in Philadelphia. In the summer, he loved to go to the Mann Music Center where the Philadelphia Orchestra performed outdoors. Although he would read briefs while waiting for the concert to begin or during intermissions, he paid full attention to the music, and I cannot recall ever seeing him taking a nap, while the music was playing. He had the stamina and resilience of a young man, even as he grew older.

Ed's friends knew that he had prostate cancer, had undergone significant medical treatment, and was in remission for many years. Sadly, the cancer returned and ultimately caused Ed's death. At his memorial service, Arlen Specter, then senior Senator from Pennsylvania, remarked how medical research, if properly funded, could have and should have, prevented Ed's untimely death.

Ed was also the organizer of semi-annual "musicales" where Ed would play popular songs on the piano, by ear, for sing-alongs with other judges and lawyers. He also played the piano at several Supreme Court Christmas parties. Ed explained that he stopped learning new tunes around 1970, but had a mastery of music composed before that.

Shortly after 9/11, Ed got very upset that the National Park Service had closed off an entire block of Chestnut Street, in front of Independence Hall, to both pedestrians and motorists. He was outraged that this national landmark was being held hostage to a vague fear of terrorists, and thought that the safety of Independence Hall could be ensured without closing this important street. He had not forgotten aggressive advocacy. Ed's efforts succeeded, and this block is now known as the "Edward R. Becker Way."

A few years before Ed died, he and Flora visited our summer vacation home and, within an hour of his arrival, the fax machine beeped and out came a three-page memorandum from one of Ed's law clerks. Initially, he seemed thrilled to have a piece of reading material. However, after reading it, he commented that he was done working for the weekend – and he never opened another brief or requested another transmittal. It was one of the first times that he truly relaxed for a few days.

One of the reasons Ed read briefs at night and on weekends is because he spent a large part of the day staying current with the news, and chatting with friends about political and cultural events. He read the tabloid *Daily News* almost every day. His vast knowledge of American history, his interest in politics, and his desire to know "what's going on" in the Philadelphia scene, gave this great judge a unique persona.

Although Ed will be remembered in perpetuity for his legal contributions, his social friends knew a different and very special side of a great man.